

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of: **Von der Geest et al.**Examiner: **Benjamin Lee William**Serial No.: **10/016,905**Group Art Unit: **3714**Filed: **December 14, 2001**Confirmation No.: **9583**For: **Method and System for Developing Teaching and Leadership Characteristics and Skills**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF NAMED INVENTORS UNDER 37 CFR 1.131

1. We, Michael Von der Geest, Katharine F. Nisbet, Russell Hobby, Rebecca H. Johnson, and Stephen Lams, the undersigned, are the five named true inventors of the subject matter disclosed in U.S. Patent Application Serial No. 10/016,905 (the "905 Application"), filed December 14, 2001, entitled "Method and System for Developing Teaching and Leadership Characteristics and Skills," which is assigned to Hay Acquisition Company I, Inc. ("Hay").

2. We submit this Declaration to the United States Patent Office under 37 C.F.R. 1.131 to swear behind U.S. Patent No. 6,766,319 to Might, which has a United States effective filing date of October 31, 2000 and which is relied upon by the Examiner in an Official Action dated April 20, 2007 in rejecting pending claims 1-29, 31-52 and 70-75.

3. We previously submitted a Rule 131 Declaration with a February 2, 2005 Response to an October 4, 2004 Official Action (hereinafter "2005 Rule 131 Declaration"). The 2005 Rule 131 Declaration was submitted to remove U.S. Patent Application Publication No. 2003/0046265 A1 to Orton et al. as prior art. The previous Examiner relied on Orton et al. to reject then pending Claims 1-4, 13, 17-18, 25-29, 31-38, 43, 45, 48-52, and 70-74.

4. We understand that our 2005 Rule 131 Declaration established that the invention of then pending Claims 1-4, 13, 17-18, 25-29, 31-38, 43, 45, 48-52, and 70-74 was reduced to practice no later than September 5, 2001, which is the prior art date of Orton et al.

5. We submit this declaration to show that our invention claimed in now pending claims 1-8, 10, 12-15, 17-22, 24-29, 31-40, 42-52 and 70-75 was reduced to practice no later than January 29, 2001.

6. We also submit this declaration to show that we conceived of our invention claimed in claims 1-8, 10, 12-15, 17-22, 24-29, 31-40, 42-52 and 70-75 prior to the October 31, 2000 date of Might and worked diligently to reduce it to practice.

7. All of the events outlined below occurred in the United Kingdom, which is a NAFTA and WTO country, on or after January 1, 1996.

8. The Hay TRANSFORMING LEARNING Product (hereinafter, the "TL Product"), which formed the basis for the '905 Application, was released as a website (www.transforminglearning.com.uk) on January 29, 2001 and completed no later than January 2001 as shown in the sample invoices dated January 2001 and February 2001 for payment of subscription fees to Hay for the released Product (included in Exhibit A to the 2005 Rule 131 Declaration and submitted again with this declaration), as also evidenced by the copyright notice of Screen Shot 1 of Exhibit B to the 2005 Rule 131 Declaration and as evidenced by various materials discussed below. Exhibit B to the 2005 Rule 131 Declaration includes screen shots generated from the version of the TL Product released in January 2001 using sample data. This same version was used in preparation of the '905 Application.

9. A copy of the informal drawings FIGS. 1-15D filed with the '905 Application are attached as Exhibit C to the 2005 Rule 131 Declaration. These informal drawings were developed from screen shots captured from the version of the TL Product released at least as early as January 29, 2001.

10. On or before January 29, 2001, we reduced to practice our method of assisting in development of an environment, comprising the steps of: receiving with a computer processor unit evaluation data for said environment received from at least one individual participating in

said environment, said evaluation data representing impressions of said individual regarding said environment; providing model data to an individual that is responsible at least in part for said environment, said model data representing one or more dimensions of said environment, said model data developed at least in part from said evaluation data, each of said one or more dimensions being associated with at least one characteristic of said individual responsible for said environment; receiving with a computer processor unit a selection of at least one of said one or more dimensions of said environment received from said individual responsible for said environment; and providing said individual responsible for said environment an action plan for improving at least one characteristic associated with said selected dimension.

11. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 10 of this Declaration further comprising the step of receiving evaluation data for said environment from said individual that is responsible at least in part for said environment, said evaluation data representing an impression of said individual regarding said environment.

12. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 11 of this Declaration wherein: said environment is a classroom teaching environment, said at least one individual participating in said environment includes a first plurality of students, and said individual responsible for said environment is a classroom teacher.

13. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 12 of this Declaration further comprising the step of receiving from said classroom teacher a designation of said first plurality of students participating in said classroom teaching environment, said first plurality of students being designated to provide said evaluation data.

14. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 12 of this Declaration wherein: said evaluation data received from said first plurality of students identify a perception of a current state of said classroom teaching environment and an indication of an ideal state of said classroom teaching environment, and said evaluation data received from said classroom teacher identify a perception

of a current state of said classroom teaching environment and an indication of an ideal state of said classroom teaching environment.

15. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 12 wherein: the model data identify a difference between a perception of said classroom teacher regarding an individual dimension from said one or more dimensions and an indication from said classroom teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said plurality of students regarding an individual dimension from said one or more dimensions and an indication from said first plurality of students of an ideal state of said individual dimension; the model data identify a difference between a perception of said classroom teacher regarding an individual dimension from said one or more dimensions and a perception of said first plurality of students regarding said individual dimension; the model data identify a difference between a perception of said first plurality of students regarding an individual dimension from said one or more dimensions and an indication from said classroom teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said classroom teacher regarding an individual dimension from said one or more dimensions and an indication from said first plurality of students of an ideal state of said individual dimension; the model data identify a difference between an indication from said first plurality of students of an ideal state of a dimension from said one or more dimension and an indication from said classroom teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said first plurality of students regarding an individual dimension from said one or more dimensions and a community benchmark perception for said individual dimension; or a combination thereof.

16. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 15 wherein the step of providing the model data includes the step of providing the model data in a graphical format.

17. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 12 further comprising the steps of: receiving from a second plurality of students reevaluation data for said selected classroom teaching environment,

said reevaluation data representing impressions of said second plurality of students regarding said classroom teaching environment at a time after said evaluation data is received from said first plurality of students; and providing second model data to said classroom teacher, said second model data representing said one or more dimensions of said classroom teaching environment, said second model data developed at least in part from said reevaluation data, each of said one or more dimensions being associated with at least one characteristic of said classroom teacher, said at least one characteristic known to effect a respective dimension.

18. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 17, wherein said second plurality of students includes one or more students from said first plurality of students.

19. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 12 wherein a plurality of classroom teachers provide evaluation data for a plurality of classroom environments, the method further comprising the steps of: receiving from said plurality of classroom teachers priority data for each of said one or more dimensions, said priority data identifying a respective priority level for each of said one or more dimensions.

20. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 10 of this Declaration wherein said evaluation data received from said at least one individual participating in said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment.

21. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 11, wherein: said evaluation data received from said at least one individual participating in said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment, and said evaluation data received from said individual responsible for said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment.

22. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 10 further comprising the steps of: receiving from at

least one individual participating in said environment reevaluation data for said selected environment, said reevaluation data representing impressions of said at least one individual regarding said environment at a time after said evaluation data is received; and providing second model data to said individual responsible for said environment, said second model data representing said one or more dimensions of said environment, said second model data developed at least in part from said reevaluation data.

23. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 11 wherein said environment is a school environment, said at least one individual participating in said environment includes a first plurality of employees within said school environment, and said individual responsible for said environment is a head teacher.

24. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph, we reduced to practice an embodiment of our assisting method as described in Paragraph 23 of this Declaration further comprising the step of receiving from said head teacher a designation of said first plurality of employees participating in said school environment, said first plurality of employees being designated to provide said evaluation data.

25. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 23 wherein: said evaluation data received from said first plurality of employees identify a perception of a current state of said school environment and an indication of an ideal state of said school environment, and said evaluation data received from said head teacher identify a perception of a current state of said school environment and an indication of an ideal state of said school environment.

26. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 23 wherein: the model data identify a difference between a perception of said head teacher regarding an individual dimension from said one or more dimensions and an indication from said head teachers of an ideal state of said individual dimension; the model data identify a difference between a perception of said first plurality of employees regarding an individual dimension from said one or more dimensions and an

indication from said first plurality of employees of an ideal state of said individual dimension; the model data identify a difference between a perception of said head teacher regarding an individual dimension from said one or more dimensions and a perception of said first plurality of employees regarding said individual dimension; the model data identify a difference between a perception of said first plurality of employees regarding an individual dimension from said one or more dimensions and an indication from said head teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said head teacher regarding an individual dimension from said one or more dimensions and an indication from said first plurality of employees of an ideal state of said individual dimension; the model data identify a difference between an indication from said first plurality of employees of an ideal state of a dimension from said one or more dimension and an indication from said head teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said first plurality of employees regarding an individual dimension from said one or more dimensions and a community benchmark perception for said individual dimension; or a combination thereof.

27. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 26 wherein the step of providing the model data includes the step of providing the model data in a graphical format.

28. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 23 further comprising the steps of: receiving from a second plurality of employees reevaluation data for said selected school environment, said reevaluation data representing impressions of said second plurality of employees regarding said school environment at a time after said evaluation data is received from said first plurality of employees; and providing second model data to said head teacher, said second model data representing said one or more dimensions of said school environment, said second model data developed at least in part from said reevaluation data.

29. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 28 wherein said second plurality of employees includes one or more employees from said first plurality of employees.

30. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 23 of this Declaration wherein said evaluation data received from said plurality of employees include first leadership style data, said first leadership style data identifying a perception by said plurality of employees of the use of a plurality of different leadership styles by said head teacher; and said evaluation data received from said head teacher include second leadership style data identifying a perception by said head teacher of the use of said plurality of different leadership styles by said head teacher.

31. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 30 of this Declaration further comprising the step of providing leadership model data, said leadership model data representing usage of said plurality of leadership styles by said head teacher, said leadership model data being developed at least in part from said first leadership style data and said second leadership style data.

32. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 30 of this Declaration wherein the step of receiving from said head teacher a selection of at least one of said one or more dimensions includes the step of receiving an identification of one or more leadership styles from said plurality of different leadership styles, said one or more leadership styles being associated with at least one of said one or more dimensions.

33. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 32 of this Declaration further comprising the step of providing said head teacher an action plan for improving said selected one or more leadership styles.

34. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 32 of this Declaration further comprising the step of providing said head teacher an action plan for improving at least one characteristic of said head teacher associated with said identified one or more leadership styles.

35. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 11, wherein: said evaluation data received from said

at least one individual participating in said environment include first leadership style data, said first leadership style data identifying a perception of the use of a plurality of different leadership styles by said individual that is responsible for said environment; and said evaluation data received from said individual that is responsible at least in part for said environment include second leadership style data identifying a perception by said individual that is responsible at least in part for said environment of the use of said plurality of different leadership styles by said individual that is responsible for said environment.

36. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 35 further comprising the step of providing leadership model data, said leadership model data representing usage of a plurality of leadership styles by said individual that is responsible for said environment, said leadership model data being developed at least in part from said first leadership style data and said second leadership style data.

37. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 35 wherein the step of receiving from said individual responsible for said environment a selection of at least one of said one or more dimensions includes the step of receiving an identification of one or more leadership styles from said plurality of leadership styles, said one or more leadership styles being associated with said selected at least one of said one or more dimensions.

38. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 37 further comprising the step of providing said individual responsible for said environment an action plan for improving said selected one or more leadership styles.

39. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 37 further comprising the step of providing said individual responsible for said environment an action plan for improving at least one characteristic of said individual responsible for said environment associated with said identified one or more leadership styles.

40. On or before January 29, 2001, we reduced to practice an embodiment of a method of assisting in development an environment comprising the steps of receiving with a computer processor unit evaluation data for said environment received from at least one individual participating in said environment, said evaluation data representing impressions of said individual regarding said environment, said environment comprising one or more dimensions, each of said one or more dimensions being associated with at least one characteristic of an individual that is responsible at least in part for said environment; and providing model data to said individual that is responsible at least in part for said environment, said model data representing said one or more dimensions of said environment, said model data developed at least in part from said evaluation data.

41. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 40 further comprising the step of receiving evaluation data for said environment from said individual that is responsible at least in part for said environment, said evaluation data representing an impression of said individual regarding said environment.

42. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 41 wherein said model data are developed at least in part from said evaluation data received from said individual that is responsible at least in part for said environment.

43. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 41 wherein: said evaluation data received from said at least one individual participating in said environment further include first leadership style data, said first leadership style data identifying a perception of the use of a plurality of different leadership styles by said individual that is responsible for said environment; and said evaluation data received from said individual that is responsible at least in part for said environment further include second leadership style data identifying a perception by said individual responsible at least in part for said environment of the use of said plurality of different leadership styles by said individual that is responsible for said environment.

44. On or before January 29, 2001, we reduced to practice an embodiment of our assisting method as described in Paragraph 43 further comprising the step of providing leadership model data, said leadership model data representing usage of a plurality of leadership styles by said individual that is responsible for said environment, said leadership model data being developed at least in part from said first leadership style data and said second leadership style data.

45. On or before January 29, 2001, we reduced to practice a method of assisting in development of an environment comprising the steps of receiving with a computer processor unit evaluation data for said environment received from at least one individual participating in said environment, said evaluation data representing impressions of said individual regarding said environment; providing model data to an individual that is responsible at least in part for said environment, said model data representing one or more dimensions of said environment, said model data developed at least in part from said evaluation data; and receiving evaluation data for said environment from said individual that is responsible at least in part for said environment, said evaluation data representing an impression of said individual regarding said environment, wherein said evaluation data received from said at least one individual participating in said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment, and wherein said evaluation data received from said individual responsible for said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment.

46. On or before January 29, 2001, we reduced to practice a computer-readable medium encoded with a computer program code for directing a processor to assist in the development of an environment, comprising: a first code segment for causing a processor to provide model data to an individual that is responsible at least in part for said environment, said model data representing one or more dimensions of said environment, said model data developed at least in part from evaluation data, said evaluation data being received from at least one individual participating in said environment and representing impressions of said individual regarding said environment, each of said one or more dimensions being associated with at least one characteristic of an individual responsible for said environment; a second code segment for causing the processor to receive from said individual responsible for said environment a

selection of at least one of said one or more dimensions; and a third code segment for causing the processor to provide said individual responsible for said environment an action plan for improving at least one characteristic associated with said selected dimension.

47. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 46 wherein said evaluation data further represent an impression regarding said environment of said individual that is responsible at least in part for said environment.

48. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 47 wherein: said environment is a classroom teaching environment, said at least one individual participating in said environment includes a first plurality of students, and said individual responsible for said environment is a classroom teacher.

49. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 48 wherein: said evaluation data received from said plurality of students identify a perception of a current state of said classroom teaching environment and an indication of an ideal state of said classroom teaching environment, and said evaluation data received from said classroom teacher identify a perception of a current state of said classroom teaching environment and an indication of an ideal state of said classroom teaching environment.

50. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 48 wherein: the model data identify a difference between a perception of said classroom teacher regarding an individual dimension from said one or more dimensions and an indication from said classroom teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said plurality of students regarding an individual dimension from said one or more dimensions and an indication from said first plurality of students of an ideal state of said individual dimension; the model data identify a difference between a perception of said classroom teacher regarding an individual dimension from said one or more dimensions and a perception of said first plurality of students regarding said individual dimension; the model data identify a difference between a

perception of said first plurality of students regarding an individual dimension from said one or more dimensions and an indication from said classroom teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said classroom teacher regarding an individual dimension from said one or more dimensions and an indication from said first plurality of students of an ideal state of said individual dimension; the model data identify a difference between an indication from said first plurality of students of an ideal state of a dimension from said one or more dimension and an indication from said classroom teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said first plurality of students regarding an individual dimension from said one or more dimensions and a community benchmark perception for said individual dimension; or a combination thereof.

51. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 48 wherein a plurality of classroom teachers provide evaluation data for a plurality of classroom environments, the medium further comprising: a fourth code segment for causing the processor to receive from said plurality of classroom teachers priority data for each of said one or more dimensions, said priority data identifying a respective priority level for each of said one or more dimensions.

52. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 46 wherein said evaluation data received from said at least one individual participating in said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment.

53. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 47 wherein: said evaluation data received from said at least one individual participating in said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment, and said evaluation data received from said individual responsible for said environment identify a perception of a current state of said environment and an indication of an ideal state of said environment.

54. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 47 wherein: said environment is a school environment, said at least one individual participating in said environment includes a first plurality of employees within said school environment, and said individual responsible for said environment is a head teacher.

55. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 54 wherein: said evaluation data received from said first plurality of employees identify a perception of a current state of said school environment and an indication of an ideal state of said school environment, and said evaluation data received from said head teacher identify a perception of a current state of said school environment and an indication of an ideal state of said school environment.

56. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 54 wherein: the model data identify a difference between a perception of said head teacher regarding an individual dimension from said one or more dimensions and an indication from said head teachers of an ideal state of said individual dimension; the model data identify a difference between a perception of said first plurality of employees regarding an individual dimension from said one or more dimensions and an indication from said first plurality of employees of an ideal state of said individual dimension; the model data identify a difference between a perception of said head teacher regarding an individual dimension from said one or more dimensions and a perception of said first plurality of employees regarding said individual dimension; the model data identify a difference between a perception of said first plurality of employees regarding an individual dimension from said one or more dimensions and an indication from said head teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said head teacher regarding an individual dimension from said one or more dimensions and an indication from said first plurality of employees of an ideal state of said individual dimension; the model data identify a difference between an indication from said first plurality of employees of an ideal state of a dimension from said one or more dimension and an indication from said head teacher of an ideal state of said individual dimension; the model data identify a difference between a perception of said first plurality of employees regarding an individual dimension from said one or more

dimensions and a community benchmark perception for said individual dimension; or a combination thereof.

57. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 47 wherein: said evaluation data received from said first plurality of employees include first leadership style data, said first leadership style data identifying a perception by said first plurality of employees of the use of a plurality of different leadership styles by said head teacher; and said evaluation data received from said head teacher include second leadership style data identifying a perception by said head teacher of the use of said plurality of different leadership styles by said head teacher.

58. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 57 further comprising a fourth code segment for causing said processor to provide leadership model data, said leadership model data representing usage of said plurality of leadership styles by said head teacher, said leadership model data being developed at least in part from said first leadership data and said second leadership style data.

59. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 57 wherein the second code segment includes a code segment for causing the processor to receive an identification of one or more leadership styles from said plurality of different leadership styles, said one or more leadership styles being associated with said selected at least one of said one or more dimensions.

60. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 59 further comprising a fourth code segment for causing the processor to provide said head teacher with an action plan for improving said selected one or more leadership styles.

61. On or before January 29, 2001, we reduced to practice an embodiment of our computer-readable medium described in Paragraph 59 further comprising a fourth code segment for causing the processor to provide said head teacher with an action plan for improving a characteristic of said head teacher associated with said identified one or more leadership styles.

62. The TL Product developed, reduced to practice and released at least as early as January 29, 2001 embodied our methods of assisting in the development of an environment and computer-readable medium encoded with computer program code for directing a processor to assist in the development of an environment detailed in Paragraphs 10-61 of this Declaration. The methods and mediums as claimed and embodied in the TL Product are evidenced by the following screen shots:

- **Exhibit B¹**, Screen Shots 1 and 2 (showing a user name and password login pages of the TL Product that would be used by teachers and head teachers to access the functionality of the TL Product)
- **Exhibit B**, Screen Shot 3 (showing main functional modules of the TL Product including: Questionnaire Setup for allowing the designation of persons to respond to questions to provide evaluation data; “Your Questionnaire” for allowing the classroom teacher to provide evaluation data about his or her classroom environment; “Climate Detailed Feedback” and “Climate Summary Feedback” for providing model data based on the evaluation data to the classroom teacher; “Exploring and Choosing Actions” for allowing the classroom teacher to select environmental dimensions for improvement by an action plan”; and “Your Personal Action Planner” for providing an action plan to a classroom teacher and monitoring the teacher’s progress)
- **Exhibit B**, Screen Shots 4-8 (showing TL Product providing model data to a classroom teacher based on evaluation data received from the classroom teacher, students and national data representing one or more dimensions of a classroom environment (i.e., “Participation”))
- **Exhibit B**, Screen Shots 9-10 (showing TL Product providing summary model data for multiple classroom dimensions)
- **Exhibit B**, Screen Shots 11-13 (showing TL Product allowing selection of one or more climate dimensions to develop via an action plan and displaying individual teaching characteristics associated with individual dimensions)
- **Exhibit B**, Screen Shots 14-15 (showing TL Product providing for development of an action plan and providing an action plan to the classroom teacher)
- **Exhibit B**, Screen Shot 16 (showing, in head teacher embodiment of TL Product, chart explaining relationship of various leadership styles to the dimensions of a school environment)
- **Exhibit B**, Screen Shots 17-21 (showing TL Product providing model data to a head teacher based on evaluation data received from the employees, the head teacher and national data representing one or more dimensions of a school environment (i.e., “Responsibility”))

¹ References to Exhibit B are to Exhibit B of the 2005 Rule 131 Declaration, a copy of which is submitted with this declaration.

- **Exhibit B**, Screen Shots 22-24 (showing TL Product illustrating six different leadership styles for the head teacher, the effect of a particular leadership style (i.e., “Affiliative”) on a selected climate dimension (i.e., “Standards”) and the frequency of use of that leadership style by the head teacher)
- **Exhibit B**, Screen Shot 25 (showing TL Product presenting to the head teacher a summary of the relative value of each leadership style in developing the selected climate dimensions and receiving from the head teacher at least one leadership style for development via an action plan)
- **Exhibit B**, Screen Shot 26 (showing TL Product explaining in part the presentation of model data based on evaluation data)
- **Exhibit B**, Screen Shot 27 (showing an example from the TL Product of a portion of a student questionnaire eliciting evaluation data)
- **Exhibit C²**, FIG. 2 (developed from screen shots of the TL Product showing main functional modules of the TL Product including: Questionnaire Setup for allowing the designation of persons to respond to questions to provide evaluation data; “Your Questionnaire” for allowing the classroom teacher to provide evaluation data about his or her classroom environment; “Climate Detailed Feedback” and “Climate Summary Feedback” for providing model data based on the evaluation data to the classroom teacher; “Exploring and Choosing Actions” for allowing the classroom teacher to select environmental dimensions for improvement by an action plan”; and “Your Personal Action Planner” for providing an action plan to a classroom teacher and monitoring the teacher’s progress)
- **Exhibit C**, FIGS. 3A-3E and 4A-4E (developed from screen shots from the TL Product showing model data like that shown in Exhibit B, Screen Shots 4-8 only using different sample data and for climate dimension “Fairness” and “Clarity”)
- **Exhibit C**, FIGS. 5-6 (developed from screen shots from the TL Product showing providing summary model data for multiple classroom dimensions, like Exhibit B, Screen Shots 9-10 only using different sample data)
- **Exhibit C**, FIGS. 9-10 (developed from screen shots from the TL Product showing TL Product allowing selection of one or more climate dimensions (i.e., “Clarity” and “Standards”) to develop via an action plan and displaying individual teaching characteristics associated with individual dimensions, like Exhibit B, Screen Shots 11-13)
- **Exhibit C**, FIG. 11 (developed from screen shot from the TL Product showing an example from the TL Product of a portion of a student questionnaire eliciting evaluation data, like Exhibit B, Screen Shot 27)
- **Exhibit C**, FIG. 12 (developed from screen shot from the TL Product showing main functional modules of the head teacher embodiment of the TL Product)
- **Exhibit C**, FIG. 13 (showing the same screen shot as shown in Exhibit B, Screen Shot 16, which shows, in head teacher embodiment of TL Product, chart

² References to Exhibit C are to Exhibit C of the 2005 Rule 131 Declaration, a copy of which is submitted with this declaration.

explaining relationship of various leadership styles to the dimensions of a school environment)

- **Exhibit C, FIGS. 14A-14E** (showing TL Product providing model data to a head teacher based on evaluation data received from the employees, the head teacher and national data representing one or more dimensions of a school environment, like Exhibit B, Screen Shots 17-21 only using different sample data)
- **Exhibit C, FIGS. 15A-15C** (showing TL Product illustrating six different leadership styles for the head teacher, the effect of a particular leadership style (i.e., "Democratic") on a selected climate dimension (i.e., "Team Commitment") and the frequency of use of that leadership style by the head teacher, like Exhibit B, Screen Shots 22-24, only with a different dimension and characteristic selected)
- **Exhibit C, Screen Shot 15D** (showing TL Product presenting to the head teacher a summary of the relative value of each leadership style in developing the selected climate dimensions and receiving from the head teacher at least one leadership style for development via an action plan, like Exhibit B, Screen Shot 25 only with different group of dimensions selected)

63. We conceived of our methods of assisting in the development of an environment and computer-readable medium encoded with computer program code for directing a processor to assist in the development of an environment detailed in Paragraphs 10-61 of this Declaration before the October 31, 2000 prior art date of Might. Our conception of the methods and mediums as claimed and described above are evidenced by the following screen shots:

- **Exhibit D**, email from inventor Katharine Nisbet dated October 30, 2000 and attachment (illustrates conception of development of an action plan based on feedback)
- **Exhibit E**, email dated October 27, 2000 and attachment (having draft dates of October 6, 2000 and October 17, 2000 by inventors Steven Lams and Katharine Nisbet, respectively) (showing questionnaires for collection of background information from school for use in customizing invention to a school; describing collection and analysis of data from teachers and pupils, tracking progress of class, and designating students for participation; questionnaires for collection of information from teacher and head teacher)
- **Exhibit F**, email dated October 24, 2000 and attachment titled "Transforming Learning Algorithm/Chart/Table Summary Document" (description of text selection algorithms relating to conception of providing feedback on individual climate dimensions and overall climate, including graphical feedback comparing self perception, ideal environment, rater perception, and average and normalized perceptions)
- **Exhibit G**, email dated October 20, 2000 and attachment (showing conception of how feedback is presented)

- **Exhibit H:** PowerPoint® Presentation, with creation date of September 19, 2000 (determined from .ppt file properties) (showing conception of graphical slides for providing feedback and for selecting dimensions for action plan)
- **Exhibit Y:** Transforming Learning Web Application Functional Specification, dated August 25, 2000 and September 7, 2000 (including technical requirements for the TL Product and functional breakdown for evaluation data collection, process, feedback and action planning)
- **Exhibit X:** email dated September 6, 2000 and attachment with flow charts regarding providing feedback on climate dimensions to teachers and head teachers and preparing action plan for improving same
- **Exhibit I:** email dated August 22, 2000 from Katharine Nisbet to programmer/web developer – Broadband Communications Ltd. – with attachment including flow charts relating to providing feedback based on collected evaluation data
- **Exhibit J:** PowerPoint® Presentation dated June 28, 2000 (as determined by creation date in .ppt file properties) (showing examples of feedback for teachers and headteachers regarding climate dimensions and leadership styles and development of action plan)
- **Exhibit K,** email dated June 1, 2000 and attachment titled “Project Management Plan for Transforming Learning.com Start Up” (showing initial project plan for TL Product and describing goals of project to support head teachers, teachers and pupils in “engendering leadership at all levels throughout the school and achieving dramatic sustainable change in pupil progress”; describing features such as self and other-completed diagnostics, context exploration process; interactive personalized feedback on findings; targeted development advice integrating all sources of data; support in action-planning and following through; and on-going record of feedback and development advice)
- **Exhibit L,** email to Stephen Lams dated May 25, 2000 (illustrating conception of obtaining evaluation data from questionnaires and providing feedback based thereon for leadership style and environment for and from teachers and headteachers)

64. We worked diligently to reduce to practice our methods of assisting in the development of an environment and computer-readable medium encoded with computer program code for directing a processor to assist in the development of an environment detailed in Paragraphs 10-61 of this Declaration from a time before the October 31, 2000 prior art date of Might to the reduction to practice of the invention as detailed above on or before January 29, 2001. On or around July 18, 2000, we contracted with a software/web development company named Broadband Communications Ltd. (“Broadband”) to provide programming services “promptly and expeditiously” in reducing the claimed invention to practice (Exhibit R). As described below, from that time through the eventual release of the TL Product on January 29, 2001, we worked diligently with

Broadband towards the development of the TL product, including meeting on a regular basis with Broadband and providing comments and direction on the operation of the TL Product.

65. We started working with Broadband in early August 2000. Initial work focused on developing the functional specification for the TL Product. Hay Group provided all information regarding the operational requirements of the TL Product, including operational flowcharts. Broadband made sure there was enough detail in the functional specification and flow charts for them to understand the operation of the invention and provided technical input (e.g. server specification, inputs and outputs to functional sections).

66. The functional specification for the TL Product was completed towards the end of August/early September 2000 and is included as an exhibit to this Declaration as Exhibit Y. This specification included: 1) overview of each functional area including inputs, outputs and a process description; 2) a data dictionary and Entity Relationship Diagrams; 3) detailed flowcharts (125 in total); and 4) a number of other sections including technical requirements.

67. By way of example of the level of interaction between Hay and Broadband in the period during which the TL Product was reduced to practice, inventor Stephen Lams averaged about 5 emails a day with Broadband in mid-August 2000, rising to between about 5 to 10 emails per day from the end of August 2000 through to December 2000, and rising to between 10-20 emails per day in January 2001, all in an effort to finalize the TL Product so as to reduce the invention described herein to practice. There were over 500 emails between Broadband and Stephen Lams during the period from August to January 29, 2001 relating to development of the TL Product. There were numerous phone conversations daily throughout the entire period.

68. An alpha version of the TL Product web site was completed on November 3, 2000, and Hay was responsible for most of the testing of the site. We used an online change control system to manage changes. All changes were emailed through to the 'tlc' group (tlc@broadband.co.uk), which was an email group consisting of all relevant

Broadband and Hay Group representatives. We also used Microsoft Word documents to collate lists of required changes. To manage overall progress, Broadband provided us with a spreadsheet showing the overall status of each area of the site. We met with Broadband every two to four weeks during the development period.

69. Our efforts during this time period, and those of Broadband at our instruction, to reduce the invention to practice are evidenced by, for example, the following materials:

- **Exhibit R**, email dated July 18, 2007 to Stephen Lams with attached "Draft Memorandum of Understanding with Broadband" regarding providing programming services "promptly and expeditiously."
- **Exhibit D**, email from inventor Katharine Nisbet dated October 30, 2000 to Rob Mitchell of Broadband illustrating continued work with Broadband to reduce invention to practice;
- **Exhibit V**, email dated November 3, 2000 regarding completion of alpha version of software for testing and comment by Hay;
- **Exhibit M**, email to Matt Southall at Broadband dated November 8, 2000 and attachment entitled "The Whole Dam Thing" showing status of text files and algorithms for TL Product;
- **Exhibit N**: PowerPoint® Presentation for Coventry LEA, dated November 20, 2000 (as determined from creation date in .PPT file properties) (including sample webpages available from version of TL Product under construction at that time);
- **Exhibit S**: Email correspondence between Stephen Lams and Broadband dated November 8, 2000 and attached task status list regarding development of TL Product prototype and alpha/beta versions of software, including details of activities completed in September, October and early November 2000 and scheduled activities for the remainder of November 2000
- **Exhibit T**: Email from Broadband to Stephen Lams dated November 30, 2000 and attachment containing a list of all the file code for the site as of the end of November 2000
- **Exhibit O**, email dated December 5, 2000 to Robert Mitchell of Broadband and Fionnuala O'Connor of Hay and attachment showing continued interaction with developer to reduce invention to practice and building on the functionality of a "demo site";
- **Exhibit P** (PowerPoint® Presentation dated December 6, 2000 (as determined from creation date in .ppt file properties) (showing screen shots of TL Product in development)
- **Exhibit Z**: email dated December 8, 2000 showing work on reducing TL Product to practice is ongoing.
- **Exhibit U**: email from Broadband dated December 11, 2000 with screen shots relating to action planning (requesting thoughts on preferred operation of software)

- **Exhibit AA:** email from Broadband dated December 12, 2000 regarding debugging of various aspects of TL Product relating to designating individuals for giving evaluation feedback and evaluation data collection
- **Exhibit BB:** email from Broadband to Stephen Lams dated December 14, 2000 regarding ongoing development of TL Product
- **Exhibit CC:** email from Broadband dated December 18, 2000 regarding development of TL Product
- **Exhibit DD:** email from Broadband dated December 20, 2000 regarding development of TL Product
- **Exhibit EE:** email from Broadband dated December 23, 2000 regarding ongoing development of TL Product and Christmas holidays
- **Exhibit Q:** Diary of inventor Russell Hobby: August 2000-December 2000
- **Exhibit FF:** email dated January 2, 2001 regarding ongoing development work on TL Product and "go live" date
- **Exhibit GG:** email dated January 4, 2001 regarding ongoing development work on TL Product and attachment regarding modifications to "feedback" functionality of TL Product
- **Exhibit HH:** email from Broadband dated January 5, 2001 regarding ongoing development work on TL Product
- **Exhibit W:** email dated January 8, 2001 with comments from Stephen Lams to Broadband regarding debugs to TL Product software.
- **Exhibit II:** email dated January 8, 2001 regarding ongoing development work on TL Product
- **Exhibit JJ:** email dated January 11, 2001 regarding ongoing development work on TL Product
- **Exhibit KK:** email dated January 15, 2001 regarding ongoing development work on TL Product
- **Exhibit LL:** email dated January 18, 2001 regarding ongoing development work on TL Product
- **Exhibit MM:** email dated January 21, 2001 regarding ongoing development work on TL Product
- **Exhibit NN:** email dated January 25, 2001 regarding ongoing development work on TL Product
- **Exhibit OO:** email dated January 28, 2001 regarding ongoing development work on TL Product
- **Exhibit PP:** emails dated January 29, 2001 and January 31, 2001 showing the TL Product was complete and went live

70. Work on development of the TL Product was essentially suspended from December 24, 2000 to December 30, 2000 for the Christmas holidays.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: 16.10.2007


Michael Von der Geest

Dated: _____

Katharine Fiona Nisbet

Dated: _____

Russell Hobby

Dated: _____

Rebecca Helen Johnson

Dated: _____


Stephen Lams

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: _____

Michael Von der Geest

Dated: 15 Oct '07


Katharine Fiona Nisbet

Dated: _____

Russell Hobby

Dated: _____

Rebecca Helen Johnson

Dated: _____

Stephen Lams

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: _____

Michael Von der Geest

Dated: _____

Katharine Fiona NisbetDated: 12/10/2007

Russell Hobby

Dated: _____

Rebecca Helen Johnson

Dated: _____

Stephen Lams

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: _____

Michael Von der Geest

Dated: _____

Katharine Fiona Nisbet

Dated: _____

Russell Hobby

Dated: 8/10/07



Rebecca Helen Johnson

Dated: _____

Stephen Lane

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: _____

Michael Von der Geest

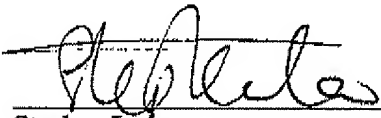
Dated: _____

Katharine Fiona Nisbet

Dated: _____

Russell Hobby

Dated: _____

Rebecca Helen JohnsonDated: 8 / 10 / 2007

Stephen Lams

Exhibits from 2005 Rule 131 Declaration

Exhibit A: Sample Invoices for Subscriptions to Transforming Learning Website dated January and February 2001 (with bank account and cost details redacted)

Exhibit B: Screen Shots from January 2001 Version

Exhibit C: Figures from U.S. Patent Application Serial No. 10/016,905

New Exhibits

Exhibit D: Email from inventor Katharine Nisbet dated October 30, 2000 and attachment

Exhibit E: Email dated October 27, 2000 and attachment (showing draft dates of October 6, 2000 and October 17, 2000 by inventors Steven Lams and Katharine Nisbet, respectively)

Exhibit F: Exhibit F, email dated October 24, 2000 and attachment titled "Transforming Learning Algorithm/Chart/Table Summary Document"

Exhibit G: Email dated October 20, 2000 and attachment

Exhibit H: PowerPoint® Presentation, with creation date of September 19, 2000 (determined from .ppt file)

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Exhibit J: PowerPoint® Presentation dated June 28, 2000 (as determined by creation date in .ppt file)

Exhibit K: Email dated June 1, 2000 and attachment titled "Project Management Plan for Transforming Learning.com Start Up"

Exhibit L: Email to Stephen Lams dated May 25, 2000

Exhibit M: Email to Matt Southall at Broadband dated November 8, 2000 and attachment entitled "The Whole Darn Thing"

Exhibit N: PowerPoint® Presentation for Coventry LEA, dated November 20, 2000 (as determined from creation date in .PPT file)

Exhibit O: Email dated December 5, 2000 to Rob and Fionnuala at Broadband

Exhibit P: PowerPoint® Presentation dated December 6, 2000 (as determined from creation date of .ppt file)

Exhibit Q: Diary of Russell Hobby: August 2000-December 2000

Exhibit R: Email dated July 18, 2000 and attachment regarding Memorandum of Understanding between Hay and Broadband

Exhibit S: Email dated November 8, 2000 between Broadband and Stephen Lams and attached task list

Exhibit T: Email dated November 30, 2000 between Broadband and Stephen Lams with attached file code list

Exhibit U: Email dated December 11, 2000 from Broadband with screen shots

Exhibit V: Email dated November 3, 2000 regarding completion of alpha site

Exhibit W: Email dated January 8, 2001 between Stephen Lams and Broadband regarding debugs

Exhibit X: Email dated September 6, 2000 with attachment containing flow charts

Exhibit Y: TL Product functional Specification dated August 25, 2000 and updated September 7, 2000

Exhibit Z: Email dated December 8, 2000 regarding ongoing work on TL Product

Exhibit AA: Email dated December 11, 2000 regarding ongoing debugging work on TL Product

Exhibit BB: Email dated December 14, 2000 regarding ongoing development work on TL Product

Exhibit CC: Email dated December 18, 2000 regarding ongoing development work on TL Product

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Exhibit MM: Email dated January 21, 2001 regarding ongoing development work on TL Product

Exhibit NN: Email dated January 25, 2001 regarding ongoing development work on TL Product

Exhibit OO: Email dated January 28, 2001 regarding ongoing development work on TL Product

Exhibit PP: Emails dated January 29, 2001 and January 31, 2001 showing the TL Product was complete and went live